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Attorney for Defendant  
AARON SEITS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

THE UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
DONALD NADER and AARON SEITS,  
Defendants.

Case No. CR-11-0731-CRB

STIPULATION AND ~~[PROPOSED]~~ ORDER  
CONTINUING STATUS DATE;  
DECLARATION OF COUNSEL

Date: April 11, 2012  
Time: 2:00 p.m.  
Courtroom 6, Hon. Charles R. Breyer

Counsel for the government and defendant respectfully submit this Stipulation and  
[Proposed] Order requesting that the April 11, 2012 Status date in this matter be continued

STIPULATION AND [PROPOSED]  
ORDER CONTINUING STATUS DATE;  
DECLARATION OF COUNSEL

to June 6, 2012. Counsel agree and stipulate that new counsel just substituted in for defendant Donald Nader, and needs time to review the discovery and get up to speed. Counsel further agree and stipulate that counsel for both defendants still need to travel to Windsor to examine evidence that is being held there.

Counsel further stipulate to the exclusion of time under the Speedy Trial Act from the date of this Order until June 6, 2012. Exclusion of time is proper pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B) because the requested continuance is intended to allow the defense additional time to prepare its case, thereby ensuring effective assistance of counsel.

Respectfully submitted,

Date: April 10, 2012

Kevin Barry  
Kevin Barry  
Assistant United States Attorney

Date: April 10, 2012

Brian J. Petersen  
Brian J. Petersen  
Attorney for Defendant  
DONALD NADER

Date: April 10, 2012

Kenneth H. Wine  
Kenneth H. Wine  
Attorney for Defendant  
AARON SEITS

# **DECLARATION OF BRIAN J. PETERSEN**

I am an attorney at law, licensed to practice before all courts of the State of California, and I have been retained by defendant herein DONALD NADER ("defendant"). I make this declaration from facts within my own personal knowledge, except where stated on information and belief, in which case I believe the facts stated to be true. If called to testify in this matter, I could and would do so competently.

1           1.       I was retained to represent defendant Donald Nader (Nader) on March 26, 2012.  
2 That day or the next day, I notified AUSA Kevin Barry and Kenneth Wine, attorney for co-  
3 defendant Aaron Seits (Seits), that I was substituting in.

4           2.       I received most of the discovery from Nader's former attorney, Federal Public  
5 Defender Ron Tyler, within a week. I still need to meet with Mr. Tyler or his assistant to get  
6 some additional materials from them. I need some time to review the discovery and other  
7 materials and discuss them with my client.

8           3.       I have reviewed the minutes from the last status conference, and understand that  
9 defense counsel need to go to Windsor to look at some evidence. I understand from my email  
10 correspondence with Mr. Wine and Mr. Tyler that this has not been done yet.

11          4.       Mr. Barry, Mr. Wine and I have all agreed to a new date of June 6, 2012, and  
12 everyone has reviewed this stipulation and agreed that I can sign on their behalf.

13          5.       I am informed and believe that June 6, 2012 is an available date for the Court.  
14 I declare under penalty of perjury pursuant to California law, that the foregoing is true  
15 and correct, except as to matters I allege based on information and belief, and as to those  
16 matters, I believe them to be true. This declaration was executed at San Francisco, California,  
17 on the date indicated below.

18 Dated: February 2, 2012

19 Brian J. Petersen  
Brian J. Petersen

**~~PROPOSED~~ ORDER**

Based on the above Stipulation, and good cause appearing, IT IS HEREBY ORDERED  
THAT:

The status date of April 11, 2012 is continued to June 6, 2012. Based on the stipulated facts set forth above, the Court finds that exclusion of time under the Speedy Trial Act (18 U.S.C. 3161(h)(7)(A) and (B) is appropriate to permit adequate preparation of counsel. The Court further finds that the ends of justice in this continuance outweigh the best interest of the public and the defendant in a speedy trial.

Date: April 11, 2012



Hon. Charles R. Breyer  
District Court Judge